



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

January 28, 2013

Mr. Ryan Benefield
Deputy Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Dear Mr. Benefield:

Enclosed are the FY2012 Resource Conservation and Recovery Act (RCRA) End-Of-Year Review reports detailing the December 4, 2012, conference call held with the Environmental Protection Agency (EPA) and the Arkansas Department of Environmental Quality (ADEQ). During this review, we discussed the state's progress during FY2012 (October 1, 2011, through September 30, 2012). This overall programmatic and grant review included ADEQ's progress in meeting the Government Performance and Results Act (GPRA) goals. The hazardous waste program activities, funded by the RCRA, Subtitle C, Section 3011 cooperative agreement, were also discussed, and those accomplishments are documented in the End-Of-Year workplan matrix. Overall, we affirm the state's RCRA program is operating exceptionally well, and we salute your success in meeting the permitting and corrective action GPRA goals of the agency.

The State of Arkansas received Final Authorization for portions of RCRA Clusters XV through XIX, effective October 9, 2012 (see Oversight Document for authorized rules). EPA has completed Final Regulatory Review of ADEQ's RCRA Cluster XX and XXI without any deficiencies. The State is advised to submit a final application for Authorization. EPA has prepared a Federal Register notice to codify the State for portions of RCRA Clusters XVI through XIX which is under review by Office of Regional Counsel. The State has met its commitments in State authorization.

In the area of permitting and permit renewal, ADEQ is 100 percent permitted, and has no backlog of renewals. There are no specific numerical goals for GPRA permitting and renewals combined for the FY2011-FY2012 measurement period.

ADEQ leads the Region in GPRA corrective action accomplishments with 100% Human Exposures controlled; 94% Contaminated Ground Water Controlled; 90% Remedies Selected and 77 % Remedies Constructed.

No Ready for Reuse candidate facilities were identified during the grant year and no new statewide Ready for Anticipated Use (RAU) determinations were issued. However, the Region and ADEQ are working together to complete a number of partial RAU determinations, expected to be finalized in FY13. EPA staff has been participating along with ADEQ in providing regulatory feedback to the Corps of Engineers (COE) regarding SW Proving Ground munitions response site. The RI/FS process is beginning and will take place over the next 18 months for this site, which is heavily contaminated with WWII ordnance materials. In addition, the COE plans to pilot the newer technology called metal mapper in 2013.

In the area of Program Management, ADEQ is consistently on time with Quality Assurance Project Plan (QAPP) submittals. Several employees from the Hazardous Waste Division attended the RCRA All States Meeting held in Dallas in April. Additionally, ADEQ had several employees attend the EPA Inspector Workshop held in Dallas, the RCRA Subtitle C Authorization, RCRA Fundamentals, Green Remediation and RAU Trainings held in Arkansas.

At End-Of-Year ADEQ has conducted inspections at 15 Treatment, Storage and Land Disposal facilities (TSDF) (includes 1 Federal Facility). ADEQ inspected 64 percent of the Operating TSDF Universe (from an October 29, 2012, RCRAInfo report), toward meeting the 50 percent annual coverage of Operating TSDFs. ADEQ conducted inspections at 24 Large Quantity Generators (LQGs). ADEQ inspected 23 percent of the LQG Universe (132), meeting the 10 percent alternative approach for Fiscal Year 2012. Overall, ADEQ conducted 56 inspections. There were 21 Significant Non-compliers (SNCs) identified during the period of October 1, 2011, through September 30, 2012, resulting in a 19 percent SNC identification rate for ADEQ. The number of sites in SNCs status, during this period is 34. Twenty-seven of the sites in SNC were addressed with formal enforcement.. The remaining facilities in SNC status were not due for enforcement at the time of this report. In addition, 130 informal enforcement actions were issued to secondary violators.

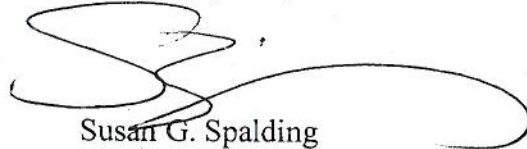
Actions issued during this period outside the timelines outlined in the The Hazardous Waste Civil Enforcement Response Policy (ERP) were approved for an alternative enforcement scheduled as allowed by the ERP, and appear to be appropriate based on the data in RCRAInfo. One hundred percent of final formal enforcement actions included a penalty.

The EPA Region 6 would like all of its states to incorporate sustainability into their RCRA projects. Furthermore, Region 6 would like to engage its states and other stakeholders for thoughts on sustainability and applicable processes that could maximize social, environmental and economic benefits. A few examples of these programs are Sustainable Materials Management, Environmental Justice analysis, risk assessment/risk management, green remediation, stormwater management, sustainable energy and environmental footprint analysis. Since these are incentive based and/or sustainable practices, the state's participation is much appreciated and all state efforts will be viewed as enhancements to the overall RCRA program.

In conclusion, we appreciate the opportunity to work with your staff. We anticipate your continued success in planning and accomplishing future activities for the upcoming fiscal years

in order to meet our mutual goals in the RCRA program. If you have any questions, please call me at (214) 665-8022, or Terrie Wright, Arkansas Project Officer, at (214) 665-8453.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Susan G. Spalding', with a large, looping flourish extending to the right.

Susan G. Spalding
Associate Director for RCRA
Multimedia Planning & Permitting Division

Enclosures

cc: Ms. Tammie Hynum, Arkansas Department of Environmental Quality
Ms. Penny Wilson, Arkansas Department of Environmental Quality
Ms. Tamara Almand, Arkansas Department of Environmental Quality
Mr. Richard Healey, Arkansas Department of Environmental Quality
Mr. Tom Ezell, Arkansas Department of Environmental Quality
Mr. Larry Ward, Arkansas Department of Environmental Quality

STATE OF ARKANSAS
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) - HAZARDOUS WASTE GRANT PROGRAM
2012 End-Of-Year Report for D-00625112

PROGRAM ELEMENT #1 – AUTHORIZATION

(\$30,000 is allocated for Element #1)

Objectives: The authorization of States for revisions to the RCRA Subtitle C program supports the Agency objectives of safe waste management and cleanup at hazardous waste sites. The State and EPA maintain a strong commitment to the authorization of State programs, the enhancement of the State and Federal relationship, and to ensure full adoption and authorization for RCRA rules, as soon as possible, and:

1. Promote the Express Authorization initiative so that it is widely used by States by providing timely implementation assistance to States.
2. Reduce barriers to authorization, thereby expediting the authorization process.

Performance Measure: Rules adopted and checklists submitted for authorization demonstrate the State's commitment to participation in the RCRA program. The ADEQ and EPA will view rule adoption and authorization as measures of success.

Activity A: EPA/State Authorization Coordination Activities

Task 1: During the year, EPA and ADEQ will actively participate in identifying problems and developing solutions and strategies for the authorization process.

Task 2: The ADEQ will support EPA's codification of ADEQ's authorized hazardous waste program.

Activity B: Maintain Equivalency to the Federal Program

Task 1: The ADEQ will maintain equivalency to the Federal program during ADEQ initiated program modifications - statutory, regulatory, and administrative.

Task 2: The ADEQ will notify EPA within sixty (60) days of any State legislation changes that could become a national concern or impact the State's authorized program. The State will submit to EPA regulatory changes and State-initiated program modifications - statutory, regulatory, and administrative.

Activity C: EPA Review of Authorization Applications

Task 1: By September 30, 2012, ADEQ will complete and forward a draft application for RCRA Cluster XXI to EPA.

Task 2: EPA shall review draft applications and provide a complete set of comments on the same to ADEQ within forty-five (45) days of receipt of the application.

Task 3: Within 45 days after receipt of EPA's comments on the draft application for RCRA Cluster XXI, ADEQ will prepare and submit a final application to EPA for authorization of these clusters.

Task 4: EPA shall initiate the necessary actions to publish the decision on a final application within forty-five (45) days of the receipt of all responses to comments and settlement of any associated issues for that application

EPA END-OF-YEAR COMMENTS: EPA has completed Final Regulatory Review of ADEQ's RCRA Cluster XXI without any deficiencies. The State is advised to submit a final application for Authorization.

RCRA Clusters XVI through XIX EFFECTIVE OCTOBER 9, 2012, THE STATE OF ARKANSAS RECEIVED FINAL AUTHORIZATION FOR PORTIONS OF RCRA CLUSTERS XV, THROUGH XIX. THE MAJOR RULES ARE: 1. Standardized permit for RCRA Hazardous Waste Management Facilities, 2. NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and phase II) Amendments, 3. F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes and 4. Academic Laboratories Generator Standards.

Codification: EPA has prepared a Federal Register notice to codify the State for portions of RCRA Clusters XVI through XIX which is under review by Office of Regional Counsel. The State has met its commitments in State authorization.

EPA has provided ADEQ with RCRA Authorization Training as requested by ADEQ. ADEQ has provided EPA with a revised MOA which was used to authorize the State for portions of RCRA Clusters XVI through XIX.

PROGRAM ELEMENT #2 - PERMITTING & CLOSURE

(\$150,000 is allocated for Element #2)

Objectives: The strategic goals for permit and closure activities at hazardous waste facilities are:

1. Demonstrate substantial progress in permitting land disposal and combustion facilities as determined by the GPRA permitting list of these facilities.
2. Demonstrate substantial progress in reducing risks at inactive land disposal sites.

Grant funds are provided to the State of Arkansas and ADEQ for managing the RCRA program. Targets in the work plan are one means to measure that progress and are not the only means that the state may use to demonstrate appropriate management of the RCRA program. As the universe of available facilities from which to code targets shrinks, EPA's expectation of annual targets will also shrink.

COMMITMENTS			
Activity	RCRA Info Codes	2012 Targets	2012 End-Of-Year Targets Met
Final Determinations or Permit Modifications Incorporating Unpermitted Units for Combustion Facilities (BIF, Incinerator or Miscellaneous Subpart X Units) <i>[GPRA facilities only]</i>	OP200/OP240 & OP270	1	ADEQ has completed the review of the trial burn plan and at mid-year was waiting on a decision by the facility to prior to moving forward (Rineco). ADEQ finalized RCRA Class 3 Permit Modification on 7/26/12 – requiring TMW to RCRA-clean Close. TMW Closure Certification Report Received 9/27/12.
Final Determinations or Permit Modifications Incorporating Unpermitted Units for Land Disposal or Storage Treatment Facilities <i>[GPRA facilities only]</i>	OP200/OP240 & OP270	0	
Final Determinations or Permit Modifications Incorporating Unpermitted Units at Land Disposal Post-Closure Facilities <i>[NON-GPRA facilities]</i>	OP200/OP240 PC200/PC240 & PC270	0	Aerojet-General Corporation (ARD091688283) – OP240OH/OP242NS/OP242SI Clean Harbors El Dorado (ARD069748192) – OP240OH/ OP242NS Great Lakes Chemical Central Plant (ARD043195429) – OP240OH/OP242SI Pine Bluff Arsenal (AR0213820707) – OP240OH/ OP242NS Rineco Chemical Industries, Inc. (ARD981057870) – OP240AC/OP242SI
Permit Renewals for Combustion Facilities, Land Disposal or Storage Treatment Facilities <i>[GPRA facilities only]</i>	OP200 & OP270	0	
Permit Renewals for Combustion Facilities, Land Disposal or Storage Treatment Facilities or Land Disposal Post-Closure Facilities <i>[NON-GPRA facilities]</i>	PC200 & PC270	0	
Closure Plan Approvals/Certifications/Verifications	CL360/CL380 & PC380	1	Rineco Chemical Industries, Inc. (ARD981057870) – CL360ME/CL380CA Clean Harbors El Dorado (ARD069748192) – CL380CA Pine Bluff Arsenal (AR0213820707) – CL380CA
ADEQ will undertake activities, as outlined above, to change GPRA facilities from the category “not under control” to “under control”.	No code	0	
Other EPA and/or State RCRA Permitting Priorities	No code	0	

Footnote: ADEQ reserves the right to trade out Permitting activities listed, for other permitting activities that at least equal the man hours committed to in this Program Element. EPA and ADEQ will confer as needed via conference call to keep abreast of permitting issues.

EPA END-OF-YEAR COMMENTS:.

PROGRAM ELEMENT #3 - CORRECTIVE ACTION (\$250,000 is allocated for Element #3)

Objective: The Corrective Action program has these overriding program goals:

1. Focus program resources and actions at GPRA priority facilities.
2. Maximize actual environmental results.
3. Streamline and accelerate the pace of the program.

RCRA Info Codes	Corrective Action Activity	FY2012 Targets	FY2012 End-Of-Year Targets Met
CA725	Human Exposures Controlled (total completed by End of Year)	0	
CA750	Groundwater Releases Controlled (total completed by End of Year)	0	
CA400	<u>Entire Facility</u> Remedy Selected/Corrective Measures Imposed (total completed by End of Year)	0	
CA550	<u>Entire Facility</u> Remedy Completed or Construction Completed (total completed by End of Year)	1	Lion Oil Company (ARD000021998)
	Other EPA and/or State Corrective Action Priorities	0	
CA350 CA375 CA400	Corrective Measures (CMS) Reports Approved Decision on Petition for No Further Action Remedy Selected/CM Imposed (Unit Level)	0	Aerojet-General Corporation (ARD091688283)
CA550 CA600 CA650 CA999	Remedy Completed or Construction Completed (Unit Level) Stabilization Measures Implemented Stabilization Measures Completed CA Terminated (Entire Facility)	0	

Footnote: ADEQ reserves the right to trade out Corrective Action activities listed in "Other EPA and/or State Corrective Action Priorities" or in "Entire Facility Remedy Selected/Corrective Measures Imposed" for other Corrective Action activities that at least equal the man hours committed to in this Program Element.

Achievements/Projections for 31 Arkansas Facilities on the Region 6 GPRA 2020 Baseline as related to the 2020 GPRA Region 6 Goals

	FY09*	FY11**	FY12***	FY11 Actual vs Grant	FY20 Goal
CA725 Human Exposures	30/31 (97%)	31/31 (97%)	31/31 (100%)	0/0	29 (95%)
CA750 Ground Water	26/31 (84%)	29/31 (90%)	29/31 (94%)	0/0	29 (95%)
CA400 Remedy Selection	25/31 (81%)	28/31 (87%)	28/31 (90%)	0/1	
CA550 Construction Complete	20/31 (65%)	23/31 (74%)	24/31 (74%)	1/0	29 (95%)

* Actual number of total facilities on baseline achieving measurement as of 10/13/2009.

** Actual number of total facilities on baseline Achieving measurement as of 09/30/2011.

*** Actual number of total facilities on baseline Achieving measurement as of 09/30/2012.

CORRECTIVE ACTION STREAMLINING AND RE-USE ACTIVITIES WITH ADEQ

Objectives: The corrective action program is now driven by four site-wide GPRA environmental indicators (EIs): the control of current human exposure (CA725), the control of the migration of contaminated ground water (CA750), remedy selected (CA400) and construction complete (CA550). EPA included the first two indicators as performance objectives for high priority RCRA facilities to be achieved by the end of FY 2005, and subsequently 2008, then set a new goal to achieve 95% completion for CA 725 and CA550 corrective action goals by FY 2020. ADEQ has made great progress over the past several years in instituting corrective action streamlining concepts into their cleanup program.

Activity A: Region 6 and ADEQ will continue to work together to further develop and implement practical, innovative, performance- and risk-based corrective action strategies to achieve both State and Federal cleanup goals and priorities. Streamlined approaches used during sampling, analysis, and document submittals will lead to smarter, faster work strategies resulting in long term protective remedies. Lessons learned from these approaches will be used to guide the way data is collected and analyzed for future site cleanup decisions in other state programs and regions.

Activity B: ADEQ will continue to support the RCRA Brownfields and Ready for Re-use programs.

Activity C: Region 6 and ADEQ will work together to implement the new land reuse measures and indicators pursuant to the EPA's February 21, 2007 "Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures."

Activity D: ADEQ will assist Region 6 in obtaining and verifying land reuse measures and indicators information for the 2008 and 2020 GPRA baseline facilities which is not available in the RCRAInfo database. Such information may include:

- Cleanup status (e.g., CA 725, 750, 400, 550, 800, or 999) for site-wide or area specific determinations;
- Institutional controls and/or engineering controls in place;
- Acres
- Types of use; and
- Status of use

Activity E: ADEQ and EPA will continue to work cooperatively in reviewing Arkansas's identified Formerly Used Defense (FUD) site investigation and remediation reports. Comments resulting from those reviews will be shared with each other.

EPA END-OF-YEAR COMMENTS: No Ready for Reuse candidate facilities were identified during the grant year and no new sitewide RAU determinations were issued. However, the Region and ADEQ are working together to complete a number of partial RAU determinations, expected to be finalized in FY13. On September 12, 2012, Region 6 provided training to ADEQ staff on the RAU measures/indicators as well as the Ready for Reuse Program. In FY 13, the Region will be developing and providing training to the States on institutional and engineering controls to assist staff with completing RAU determinations and entering applicable information into RCRAInfo.

EPA staff has been participating along with ADEQ in providing regulatory feedback to the COE regarding SW Proving Ground munitions response site. The RI/FS process is beginning and will take place over the next 18 months for this site, which is heavily contaminated with WWII ordnance materials. In addition, the COE plans to pilot the newer technology called metal mapper in 2013.

PROGRAM ELEMENT #4 - PROGRAM MANAGEMENT

(\$65,000 allocated for Element #4)

Objectives: The EPA will transmit all significant guidance documents to ADEQ with a cover letter clearly stating the purpose of the documents. Within forty-five (45) days after receipt, ADEQ will provide EPA a written response identifying any problems with guidance implementation. The EPA and ADEQ will arrive at a solution/decision on guidance implementation pursuant to the EPA/ADEQ Memorandum of Agreement (MOA).

Activity A: Quality Assurance

The ADEQ must submit an updated FY 2014 Quality Assurance Project Plan (QAPP) 60 days prior to October 1, 2013. If there have been no changes to the QAPP from FY 2013, ADEQ must submit a new signature page and documentation stating that the QAPP is current.

Activity B: Training

The ADEQ will present the RCRA core curriculum courses or their equivalent as needed for new staff and ensure all ADEQ personnel are kept up-to-date in all new rules and regulations. Training for RCRA inspectors must be provided to ensure compliance with EPA Order 3500.1.

EPA END-OF-YEAR COMMENTS: ADEQ had several employees to attend the EPA Inspector Workshop that took place in EPA's Region 6 Office. The ADEQ staff attended following training: RCRA Subtitle C Authorization, RCRA Fundamentals, Green Remediation and Ready for Anticipated Use (RAU)

PROGRAM ELEMENT #5 - INFORMATION MANAGEMENT

(\$60,000 allocated for Element #5)

Objective: The ADEQ must maintain RCRAInfo databases in order to provide a complete and accurate picture of program accomplishments. The data retrieved from RCRAInfo should be reliable in order to support RCRA program goals developed for the Government Performance and Results Act (GPRA).

The reporting of national RCRAInfo core elements is necessary to review and track RCRA program progress toward GPRA goals.

Activity A: RCRAInfo

The ADEQ will enter all quality-assured RCRAInfo data into the EPA database by the seventh working day of each month. The ADEQ should review and improve the current RCRA universes to assure a nationally consistent information base.

Activity B: Institutional Control (IC) and Engineering Control (EC) Information

ADEQ will enter into RCRAInfo all institutional control (IC) and engineering control (EC) information necessary to adequately review and track RCRA program progress toward GPRA goals. The objective of collecting and tracking this information is to ensure that remedies implemented remain protective overtime. The RCRA Codes for ICs and ECs are CA770 and CA772. EPA Region 6 intends to collect and enter CA770 and CA772 information for facilities that currently have ICs or ECs to help address the backlog. ADEQ will enter new IC or EC information into RCRAInfo.

END-OF-YEAR COMMENTS: Collaborative efforts between ADEQ and EPA Region 6 to clarify historical data yielded a more accurate 2015 GPRA Permitting Renewals baseline for AR. Region 6 will continue to monitor RCRAInfo reports to ensure that they update accurately when goals are accomplished and to address any data concerns or technical issues with uploading or entering the data into RCRAInfo that may arise.

ADEQ declared their 2011 BR Cycle data final before the November 5, 2012 deadline. Region 6 appreciates ADEQ's continued consistency and excellency in accomplishing this task.

PROGRAM ELEMENT #6 - COMPLIANCE MONITORING

(\$350,000 allocated for Elements #6 and #7)

Objectives: Before the fiscal year begins, EPA and ADEQ will agree on the universe of facilities from which Compliance Evaluation Inspections (CEI), Comprehensive Ground-Water Monitoring Evaluation (GME) and Operation & Maintenance Inspections (OAM) will be selected. Should the inspection universe for ADEQ change during the year, adjustments will be made to which facilities are inspected but not to the number of inspections to be conducted as the universe is expected to fluctuate throughout the year.

Activity A: ADEQ Inspection Activities

Task 1: EPA shall adhere to the Program MOA and Enforcement MOU regarding federal inspection activities and notice to ADEQ.

Task 2: ADEQ will conduct required inspections at hazardous waste facilities. This includes, at a minimum, 50% of the TSDF universe, and 100% of the federal TSDF universe. Additionally, ADEQ will inspect 20% of the LQG universe (5 year goal of inspecting all active LQGs), unless ADEQ seeks approval of an alternative inspection plan in accordance with the National Program Managers' Guidance. The LQG universe will be determined based on the information in RCRAInfo no later than August 1 of each year.

ACTIVITY	2012 TARGET	End-Of-Year TARGETS MET
Compliance Evaluation Inspections (CEIs)	20%	75
Comprehensive Ground-Water Monitoring Evaluation (GME)	1	2
Operation & Maintenance Inspections (O&M)	3	9
Focused Compliance Inspections (FCI)		25
Financial Record Review (FRR)		9
Total Inspections at End of Year FY2012	4	120

In addition to the inspections noted in the above table, 2 Corrective Action Compliance inspections were conducted.

Screen-printed jackets and T-shirts will be procured and issued to all ADEQ RCRA Inspectors for visibility and safety during routine compliance monitoring inspections, special investigations, and emergency responses. These items will have both front and back identifying information, making the inspector easily recognizable to the public, regulated community, first responders, and other regulators.

EPA END-OF-YEAR COMMENTS: During the period of 10/1/2011 through 09/30/2012, ADEQ conducted inspections at 15 Treatment, Storage and Land Disposal (TSD) facilities (includes 1 Federal Facilities). ADEQ inspected 64% of the Operating TSDF Universe (from a October 29, 2012 RCRAInfo report), exceeding the 50% annual coverage of Operating TSDFs.

PROGRAM ELEMENT #7 – ENFORCEMENT

(\$350,000 allocated for Elements #6 and #7)

Objective: Maintain a high rate of compliance in accordance with the EPA Memorandum of Understanding (MOU) by taking timely, visible, and appropriate enforcement action against violators.

EPA END-OF-YEAR COMMENTS: The National Goal for SNC identification is .7% of inspections should result in identifying SNCs. There were 21 SNCs identified during the period of 10/1/2011 through 09/30/2012, resulting in a 19% SNC identification rate for ADEQ.

The number of sites in SNCs status, during this period is 34 (based on a SRT pull on 10/29/12). 27 of the sites in SNC were addressed with formal enforcement, (see Enforcement Report, starting on page 4 of said report). The remaining facilities in SNC status were not due for enforcement at the time of this report.

Actions issued during this period outside the timelines outlined in the ERP were approved for an alternative enforcement scheduled as allowed by the ERP, and appear to be appropriate based on the data in RCRAInfo. 100% of final formal enforcement actions included a penalty.

In addition, 130 informal Enforcement actions were issued to secondary violators.

Environmental Protection Agency (EPA) Region 6
Resource Conservation and Recovery Act
State Hazardous Waste Program
Oversight Process

State Agency
Hazardous Waste Management Program

Prepared by the EPA Region 6
Multimedia Planning and Permitting Division

Grant #D-00625112
End-Of-Year FY 2012
10/01/2011 – 09/30/2012

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1. INTRODUCTION

States that have been authorized under Section 3006 of the Solid Waste Disposal Act, as amended, administer most of the hazardous waste programs under the Resource Conservation and Recovery Act (RCRA) in Region 6. The state programs are administered in Arkansas, Louisiana, New Mexico, Oklahoma and Texas. The Environmental Protection Agency (EPA), however, retains significant responsibilities with Congress for ensuring that the states are administering programs that comply with the federal RCRA statutes and regulations. This document outlines the Region 6 process for conducting oversight of the state RCRA programs. This is a "living document" that will be continually improved and updated according to the national Annual Commitment System goals and measures.

1.1 Purpose

The purpose of this document is to provide clear goals and an outline of measures to use in federal oversight of the RCRA program in Region 6 states. Overall, it provides a clarification of the EPA's current policy for state oversight and a venue for documenting EPA's oversight activities. This document also provides an update on a semiannual basis of state and EPA activities supporting the state RCRA program, highlights state accomplishments, and identifies areas where improvements are needed to achieve RCRA program goals.

1.2 Policy Statement

The EPA will oversee implementation of the authorized state program in order to ensure full execution of the requirements of RCRA and to promote national consistency in the implementation of the hazardous waste program. The EPA will conduct and document state oversight through mid- and end of year reviews as well as periodic permitting and corrective action program reviews. The EPA Region 6 will continue to work in partnership with the states to achieve results that support our common goal of protecting human health and the environment.

2.0 OVERSIGHT ACTIVITIES

The RCRA Hazardous Waste Program is made up of a number of components: permitting, corrective action, compliance assurance and enforcement, information management, and authorization. This document addresses permitting, corrective action, authorization, and information management through the Multimedia Planning and Permitting Division. The Compliance Assurance and Enforcement Division has an oversight process for their respective program, known as the State Review Framework. The RCRA Project Officers work closely with members of each program area to ensure effective implementation of the state-delegated program. The oversight and monitoring of state cooperative agreements (the type of assistance agreement used in the RCRA program) is an ongoing process that includes ensuring that all programmatic terms and conditions in the award agreement are satisfied.

The EPA's oversight activities are centered on four components: 1) the cooperative agreement process; 2) the authorization process; 3) the technical assistance and permit review process; and, 4) data management. Actions that enhance the overall effectiveness of the RCRA program through forward-moving national initiatives are captured in the Sustainability Programs Section. In addition, Region 6 RCRA program oversight is also accomplished by State Permitting Program Reviews and State Corrective Action Program reviews.

2.1 SECTION 1: COOPERATIVE AGREEMENT PROCESS

- Review of the state's application for Section 3011 funding, including a thorough review of the costs associated with the activities to be accomplished;
- Negotiation of a work plan that reflects both state and EPA goals and responsibilities for the authorized RCRA program;
- Approval of a Quality Assurance Project Plan and Quality Management Plan before work begins;
- Communication with the state, through monthly conference calls if appropriate, to identify problems and successes as early as possible; and,
- Formal review of the state's performance at mid and end-of-the-fiscal year, each followed by a report to the state.

2.1.1 States' Reporting Requirements

Thirty calendar days following the mid-point and the end-of-the-project period, the states will submit progress reports containing a summary of activities conducted and issues encountered during the project period. The evaluation reports will contain a comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful. The reports will also contain reasons for slippage if established objectives were not met and additional pertinent information including, when appropriate, analysis and

explanation of cost overruns or high unit costs. The reports will include information about staff training.

The final End-of-Year progress report will be due 90 days after the expiration or termination of grant support. The final End-of-Year progress report should contain a self-evaluation of program activities, reflecting on the aspects of the program that were successful, and those that were unsuccessful. Each state must submit a final Financial Status Report no later than 90 calendar days after the end of the project period.

Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the EPA as soon as the following types of conditions become known:

- Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
- Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated, or producing more beneficial results than originally planned.
- If the state's objectives or goals have changed, or if they foresee problems in meeting the end goals, the evaluation report must discuss the situation and provide a plan of action with an associated time frame for addressing the problem.
- Any proposed modifications to basic statutory or regulatory authority, program forms, procedures or priorities. The state shall submit a modified program description, Attorney General's Statement, MOA or other documents as the EPA determines to be necessary in accordance with 40 CFR 271.21(a).

2.1.2 Monitoring and Measuring Cooperative Agreement Commitments:

Monitoring commitments consists of tracking the state's progress with implementation of the RCRA program as well as conducting a joint analysis with each state. The joint analysis includes evaluating the project outputs, identifying success, identifying opportunities for enhancement, identifying appropriate solutions, and tracking progress of action items. Follow-up on these items is essential to monitoring progress.

The purposes for monitoring program progress are to:

- Identify project outputs, successes, and opportunities for enhancement;
- Provide recommendations and associated time frames for addressing opportunities for improvement;
- Identify action items and follow-up on previously identified action items;

- Follow-up and document the status of EPA recommendations; and,
- Provide a communication mechanism to management on the successes and opportunities for enhancement.

2.2 SECTION 2: AUTHORIZATION PROCESS

The workload for each Region 6 state's RCRA Program has increased steadily over time due to increased authorization of RCRA rules to the states. More than 322 rules have been promulgated under RCRA since the statute was signed into law in 1976. Consistent with the national policy that RCRA is designed to be implemented by the states, Region 6 states have sought and been authorized to implement most of the federal program, including the RCRA "base program" (authorized in 1984).

Some of the major rules, e.g., Corrective Action and Post Closure rules, are HSWA, therefore, under the amended Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibition imposed by the HSWA take effect in authorized states at the same time as they take effect in non-authorized states. The EPA is directed to carry out those requirements and prohibitions in authorized states, including the issuance of full or partial permits, until the state is granted authorization to do so. While states must still adopt HSWA-related provisions as state law to retain final authorization, the HSWA applies in authorized states in the interim.

As a result of the HSWA, when final authorization is granted to a state, there will be a dual state/federal regulatory program. To the extent the authorized state program is unaffected by the HSWA, the state program will operate in lieu of the federal program. To the extent HSWA-related requirements are in effect, the EPA will administer and enforce these portions of the HSWA in a state until the state receives authorization to do so. Among other things, this will entail the issuance of federal RCRA permits for those areas in which the state is not yet authorized.

Once the state is authorized to implement a HSWA requirement or prohibition, the state program in that area will operate in lieu of the federal provision. Until that time the state may assist the EPA's implementation of the HSWA outlined in the state's MOA. If a state's requirements are more stringent than the federal requirements, HSWA provision will also remain in effect; thus regulated handlers must comply with any more stringent state requirements.

2.2.1 Hazardous Waste Combustion under RCRA and Clean Air Act

When the EPA promulgated MACT EEE regulations for hazardous waste combustion under the Clean Air Act (CAA), it envisioned integration of both RCRA and MACT requirements for emissions standards. The EPA does not anticipate a hazardous waste combustion unit to be regulated for compliance with emissions standards under both RCRA and CAA. For both incinerators and boilers, the RCRA emissions standards would not apply once an owner or operator of an existing hazardous waste unit has demonstrated compliance with MACT requirements under Part 63 Subpart EEE.

It was expected that once a state has received authorization for both RCRA (Cluster XVIII, Checklist 217) and MACT EEE under the CAA program, the RCRA permit conditions related to the emissions standards would be removed from the RCRA permit and transferred to the Title V operating permit under the CAA. Until then, however, the RCRA permit conditions that were based on the MACT EEE emissions standards will continue to be in effect in the RCRA permit. Even after the transfer of emissions related RCRA permit conditions to the air program, the RCRA program will continue to enforce all other RCRA permit conditions related to the waste management, financial assurance and closure requirements.

Until the state receives both above mentioned RCRA authorizations and MACT EEE delegation, the EPA will continue to remain the authority for approval of the MACT EEE comprehensive performance test (CPT) plans, alternative monitoring application (AMA) requests, methods modification requests for sampling and analyses, and issuing Finding of Compliance based on the test results. Even after the state has received such RCRA and MACT EEE authorization/delegation, the EPA will continue to be the authority for approval of: (a) Major Alternative Monitoring Applications requests, and (b) all Major, Intermediate and Minor requests for sampling and analytical methods.

Status of RCRA Cluster XVIII Authorization and MACT EEE Delegation				
	AR	OK	TX	LA
RCRA Authorization Cluster XVIII (NESHAP MACT EEE)	Yes	Yes	Yes	Yes
CLEAN AIR ACT – Title V Delegation	Yes	Yes	Yes	Yes
MACT (EEE) Delegation Air Program	No	Yes	No	Yes
MACT EEE CPT Plan Approval	EPA	Yes	EPA	Yes
Approval of Major AMA Requests	EPA	EPA	EPA	EPA
Approval of Intermediate and Minor AMA	EPA	Yes	EPA	Yes
Approval of All Sampling and Analytical Method Modification Requests	EPA	Yes	EPA	Yes
Issuing Finding of Compliance	EPA	Yes	EPA	Yes

Note: New Mexico does not have any hazardous waste combustion unit.

2.2.2 Monitoring and Measuring Authorization Progress:

The states' regulations are being monitored by the Headquarters' State Authorization Tracking System (StaTS). StaTS is an information system designed to document the progress of each state and territory in establishing and maintaining RCRA-authorized hazardous waste management programs. StaTS tracks the status of each state with regard to changes made to the federal hazardous waste regulations. Authorization information is updated on a quarterly basis. Adoption information is updated twice a year, after the second and fourth quarters.

Another way that the EPA Region 6 meets its oversight responsibilities is through the codification process. This process provides a means for monitoring state authorized programs by ensuring that states remain in compliance with the requirements of 40 CFR Part 271. Specifically, as part of the codification process, the EPA:

1. Evaluates state statutory authorities and procedures to ensure that they remain consistent with 40 CFR 271.6, 271.7 and 271.8;
2. Identifies state-initiated changes to the authorized program that have not been formally submitted to the EPA for review and approval in compliance with 40 CFR 271.21; and,
3. Evaluates state hazardous waste compliance monitoring and enforcement requirements to ensure that they remain consistent with the requirements of 40 CFR 271.15 and 271.16.

2.3 SECTION 3: TECHNICAL ASSISTANCE AND REVIEW PROCESS

Region 6 has historically provided technical assistance to states in a wide variety of program areas including program and information management, regulatory interpretations, technical assistance in areas such as ground water modeling, and other corrective action areas such as characterization of contamination, risk characterization and remedy selection/design.

2.3.1 Permit Oversight and Permit Review Program

As part of the EPA's oversight role, Region 6 will monitor the issuance of both draft and final permits along with significant permit modifications for technical and programmatic consistency.

The EPA routinely reviews draft and final permits that are received and will continue to do so. The criteria for selecting permits for or the annual oversight review will consist of: coordinating with each state on which applications would receive the most benefit from an oversight review (such as active community engagement, high profile and type of facility), the types of permits, and the availability of documentation. The Region will request all permit information required for the review from the state agency authorized to implement the RCRA program. If the state is not able to provide the needed information, then the Region will coordinate with the state to contact the facility directly to obtain the information. These reviews will allow the EPA to monitor the state's permitting program by reviewing permits for technical and programmatic consistency with the federal requirements. Some of the elements included in this review include the permitted units, basic permit requirements, financial assurance requirements, closure requirements, and schedules for corrective action completion.

The EPA will negotiate with each state on the number of permits to be reviewed in the state during the year.

As part of the permit program oversight, the Region has implemented the RCRA Permitting Program review. This review is rotated among the Region 6 states. During this review, the EPA gathers information on a variety of areas, such as staffing, the permitting process and program strengths. Other areas Region 6 will review include how the state implements public participation, financial assurance requirements, and the status of permitting actions for both new facilities and renewal permits. The Program Review is conducted during an on-site meeting with the state and a draft report will be provided for state review. The EPA's goal is to complete the review and finalize the report before the End of Year review.

2.3.2 Monitoring and Measuring Permit Progress

One of the EPA's goals is to have approved controls in place at permitting baseline facilities in order to prevent releases from RCRA hazardous waste management units. The agency's second goal is to update controls by reaching our permit renewal goal. These goals along with the Region 6 individual permit reviews and the Permitting Program Review, which include reviews for technical and programmatic consistency with the federal requirements, are how the EPA will measure the effectiveness of a state's permitting program.

2.3.3 Monitoring and Measuring Corrective Action Progress

To monitor a state's corrective action program, in addition to the corrective action tracking system for the attainment of the 2020 GPRA Corrective Action goals, the EPA will review remedy selection decision documents, i.e., Statement of Basis, Remedial Action Decision (RADD) documents, or a Basis of Decision document or Fact Sheet. At least one document per state will be reviewed each grant year, during or after, the remedy selection process, for technical and programmatic consistency with the federal requirements. Corrective action documents other than remedy decision documents may be substituted or added at the EPA's discretion. The criteria for selecting documents will consist of coordinating with each state on which documents will receive the most benefit from an oversight review (such as active community engagement, high profile and type of facility), and the availability of documentation. The Region will request all corrective action information required for the review from the state agency authorized to implement the RCRA program. If the state is not able to provide the needed information, then the Region will coordinate with the state to contact the facility directly to obtain the information.

In addition, as part of corrective action oversight, the Region has implemented the RCRA Corrective Action Program Review. This review is rotated among the Region 6 states. During this review Region 6 will gather information on staffing, corrective action process and corrective action status. In addition, the EPA will review the information with the states during a meeting. The review will be finalized before the End of Year grant review meeting or conference call.

2.4 SECTION 4: DATA MANAGEMENT PROCESS

The states must maintain the RCRAInfo database in order to provide a complete and accurate picture of all program accomplishments and to support RCRA program goals developed for

GPRA. Reporting of the nationally required RCRAInfo core elements is required to properly evaluate and track RCRA program progress. A complete list of the nationally defined and required values for both Permit Event Codes and Corrective Action Event Codes may be found on the RCRAInfo website - <https://rcrainfo.epa.gov/> - under the "Help" screens.

2.4.1 Monitoring and Measuring Data Management

Data management reviews are part of the midyear and end-of-year review process, as covered under the Cooperative Agreement process. Data and Program Profiles will be generated periodically throughout the year to properly analyze both the quality of the data and program accomplishments. Those Profiles and reviews will be made available as part of the regular program reviews.

2.5 SECTION 5: PROGRESS OF SUSTAINABILITY PROGRAMS

The EPA and the states work together to promote several national initiatives. The EPA Region 6 would like all of its states to incorporate sustainability into their RCRA projects. Furthermore, Region 6 would like to engage its states and other stakeholders for thoughts on sustainability and applicable processes that could maximize social, environmental and economic benefits. A few examples of these programs are Environmental Justice analysis, risk assessment/risk management, green remediation, stormwater management, sustainable energy and environmental footprint analysis. Since these are voluntary programs, a state's participation is much appreciated and all state efforts will be viewed as enhancements to the overall RCRA program.



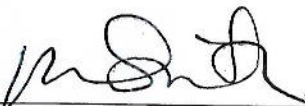
Susan Spalding
Associate Division Director for RCRA Programs
Multimedia Planning and Permitting Division

Date: 1/25/13



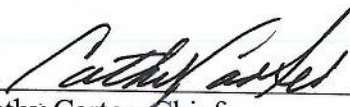
Chief
State/Tribal Oversight Section
Multimedia Planning and Permitting Division

Date: 1/24/13




Melissa Smith, Chief
Corrective Action/Waste Minimization Section
Multimedia Planning and Permitting Division

Date: 12/21/12



Cathy Carter, Chief
Strategic Planning/Information Management
Section
Multimedia Planning and Permitting Division

Date: 12/28/12



Laurie King, Chief
Federal Facilities Section
Multimedia Planning and Permitting Division

Date: 1-3-2013



Kishor Fruitwala, Chief
Facility Assessment Section
Multimedia Planning and Permitting Division

Date: 1/2/13

ATTACHMENT A
6PD RCRA PROGRAM REVIEW CHECKLIST

End-Of-Year FY 2012

Date of Evaluation: December 2012

Program: RCRA Section 3011 Hazardous Waste Management Program

Delegated State: Arkansas Department of Environmental Quality

Grant #: D-00625112

EPA Contacts: **Program Manager:** Susan Spalding
 Grants/Project Officer: Terrie Wright
 Technical Assistance Coordinator: Nancy Fagan

State Contacts: Tamara Almand, Tom Ezell, Tammie Hynum

PROGRAM REVIEW INDICATOR	STATUS	EPA COMMENTS & RECOMMENDATIONS
SECTION 1: COOPERATIVE AGREEMENT PROCESS		
1a) Annual grant commitments	On-going.	ADEQ will complete all work plan commitments by the end of the fiscal year.
1b) Grant funds used appropriately.	ADEQ's draw downs of grant funds are being used appropriately.	
1c) Timeliness and completeness of QAPP and QMP	ADEQ's QMP and QAPPs are both valid at the time of the midyear and are submitted and approved within a timely manner.	
1d) Timeliness and completeness of reports	The End-Of-Year Report for FY12 was submitted in a timely manner. The Midyear Report is due on April 30, 2013.	
1e) Any changes that may impact implementation of RCRA program reported to the EPA in a timely manner	No changes have been made that may impact implementation of the RCRA program.	
1f) Staff training performed and reported to the EPA	ADEQ provided EPA comprehensive list of training provided to staff during grant year FY11.	The ADEQ staff received training in the following areas: RCRA Authorization Training (with the focus on RCRA Subtitle C), RCRA Fundamentals, Green Remediation and Ready for Anticipated (RAU),

SECTION 2: AUTHORIZATION PROCESS

<p>2a) State is authorized for current RCRA Rules Clusters</p>	<p>EFFECTIVE OCTOBER 9, 2012, THE STATE OF ARKANSAS RECEIVED FINAL AUTHORIZATION FOR PORTIONS OF RCRA CLUSTERS XV, THROUGH XIX. THE MAJOR RULES ARE: 1. Standardized permit for RCRA Hazardous Waste Management Facilities, 2. NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and phase II) Amendments, 3. F019 Exemption for Wastewater Treatment Sludges from Auto Manufacturing Zinc Phosphating Processes and 4. Academic Laboratories Generator Standards.</p>	<p>The State has met its Authorization commitments for these Clusters of rules. There are no pending issues at this time with the authorized provisions</p>
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STATE-SPECIFIC ISSUES		

FOLLOW-UP

ACTION ITEM	AGENCY RESPONSIBLE	DUE DATE
MOA	ADEQ	
1. RCRA Authorization Training	A. Patterson & J. Chattam	Completed
2. RCRA Fundamentals	M. Loesel & J. Schulze	Completed
3. Green Remediation, Sustainable Revitalization	M. Loesel & J. Schulze	Completed
4. Ready for Anticipated (RAU), Ready for Reuse Program	M. Loesel & J. Schulze	Completed
5. EPA to provide comments on ADEQ's submitted EOY Report	Terrie Wright	Completed